

AMENDED IN ASSEMBLY APRIL 23, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 283

Introduced by Assembly Member Chesbro
(Principal coauthor: Assembly Member Ruskin)
(Coauthors: Assembly Members Evans, Huffman, and Nava)

February 12, 2009

An act to add Chapter 5 (commencing with Section 48800) to Part 7 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 283, as amended, Chesbro. Solid waste: extended producer responsibility program.

The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, is required to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible in an efficient cost-effective manner to conserve water, energy, and other natural resources.

This bill would create the California Product Stewardship Act of 2009 and would require the board to administer the program. The bill would require the board to adopt regulations by July 1, 2011, in order to implement the program to provide environmentally sound product stewardship protocols that encourage producers to research alternatives during the product design and packaging phases to foster cradle-to-cradle producer responsibility and reduce the end-of-life environmental impacts of the product.

The bill, on and after January 1, 2012, would require the board to select covered products, as defined, according to certain requirements. The bill would exempt the selection of covered products from the requirements of the Administrative-Law *Procedure* Act. On and after July 1, 2012, a covered product would be prohibited from being sold or used for promotional purposes unless the producer or product stewardship organization, as defined, of the covered product, submits a product stewardship plan to the board that meets certain timelines and content requirements, including, but not limited to, a description of the system for collecting discarded covered products, methods proposed to maximize the recycling of packaging, a description of the processing and disposal system, and strategies for managing and reducing the life cycle impacts of covered products and packaging such as through redesign.

The bill would establish an annual reporting requirement for producers or stewardship organizations, require administrative fees to be set by the board, and authorize civil penalties of up to \$50,000 to be imposed by the board. The bill would require that the administrative fees be deposited into the Extended Producer Responsibility Account and that the penalties be deposited into the Extended Producer Responsibility Penalty Subaccount that the bill would create in the Integrated Waste Management Fund. The bill would authorize the fees and penalties to be expended, upon appropriation by the Legislature, to cover the board's program implementation costs and as incentives to enhance recyclability and redesign efforts and to reduce environmental and safety impacts of covered products.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 5 (commencing with Section 48800) is
- 2 added to Part 7 of Division 30 of the Public Resources Code, to
- 3 read:

CHAPTER 5. CALIFORNIA PRODUCT STEWARDSHIP ACT OF 2009

Article 1. Findings and Declarations

48800. (a) The Legislature finds and declares all of the following:

(1) California has long been a national and international leader in environmental stewardship efforts and mandating the diversion of solid waste from disposal.

(2) By exercising a leadership role, the state will move forward toward a future in which the environment and the economy both grow stronger together by recycling more and reusing materials, which encourages new markets and creates new jobs, instead of burying resources that are lost to the economy forever.

(3) The ~~California Integrated Waste Management Board~~ ~~(CIWMB)~~ *board* is the state agency charged with monitoring and regulating activities to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible in an efficient and cost-effective manner to conserve water, energy, and other natural resources, and to protect the environment.

(4) The ~~CIWMB~~ *board* currently oversees regulation of the state's solid waste stream while local government is responsible for solid waste management within its jurisdiction.

(5) To meet the mandates of the ~~Integrated Waste Management Act of 1989~~, ~~the CIWMB~~ *this division, the board* develops and implements programs in accordance with the act's waste management hierarchy, pursuant to Section 40051 of the Public Resources Code.

(6) End-of-life management of solid waste has been the responsibility of the state and local governments with the financial burden placed on both local government and the taxpayers.

(7) Local governments throughout California are also working hard to meet expanding environmental mandates to reduce solid waste generation and landfill disposal, to prevent hazardous wastes from being improperly disposed of, and to keep the rivers, streams, and waterways free of trash. These mandates expose local governments to significant financial burdens for end-of-life management of products at a time when local governments are struggling with significant budgetary constraints.

(8) The concept of product stewardship, also referred to as extended producer responsibility, seeks to create shared responsibility mechanisms for producers to mitigate or even eliminate the negative impacts of their products at the end of its life.

(9) The ~~CIWMB~~ *board* adopted a final “Extended Producer Responsibility Framework” policy document in 2008 to guide efforts to reduce the end-of-life environmental impacts of products and require that producers share in the responsibility for the stewardship of their products in order to promote environmental sustainability.

(10) Currently, the state addresses products with end-of-life management issues through a patchwork of product and material specific programs that have experienced various levels of success.

(11) Establishing the Extended Producer Responsibility Framework Program under this chapter offers an alternative to the materials and products approach while providing the flexibility to customize individual product stewardship plans toward the most effective and efficient approach for a particular product or product category.

(12) The generation of solid waste and associated management has the potential to harm natural resources and contribute to global warming, which can place an economic burden on local government. Disposal of solid waste prevents materials from circulating in the state’s economy in order to produce jobs and new products.

(13) It is necessary for producers to design and manufacture products that are more resource efficient, less hazardous, have fewer greenhouse gas impacts, and are more recyclable.

(14) Convenient and environmentally sound product stewardship programs that include collecting, transporting, and recycling unwanted products will help protect California’s environment and the health of state residents by encouraging producers to design and produce products that have a lower carbon footprint, are less hazardous and energy and material intensive, and are more reusable or recyclable than other products.

(15) This chapter directs the ~~CIWMB~~ *board* to develop, implement, and administer the Extended Producer Responsibility Framework Program. The program includes a framework for managing individual products that have significant end-of-life

1 waste management impacts as well as impacts on the environment
2 and public health.

3
4 Article 2. General Provisions
5

6 48800.1. This act shall be known and may be cited as the
7 California Product Stewardship Act of 2009.

8 48800.1.5. (a) The act shall apply the extended producer
9 responsibility approach to a broad range of problem products,
10 packaging, and materials and offers an opportunity to reduce waste
11 and increase recycling by customizing individual product
12 stewardship plans toward the most effective and efficient approach
13 for a particular product or product category.

14 (b) (1) It is the intent of the Legislature that the ~~CIWMB~~ *board*
15 coordinate with other state agencies such as the Department of
16 Toxic Substances Control, the Department of Conservation, and
17 the State Water Resources Control Board, as well as local
18 jurisdictions, industry sectors, business groups, environmental
19 organizations, and other interested stakeholders in implementing
20 this chapter.

21 (2) It is the intent of the Legislature that in developing the
22 framework, the ~~CIWMB~~ *board* design performance goals for
23 covered products that reduce the end-of-life and life cycle impacts
24 of covered products.

25 (3) It is the intent of the Legislature that the ~~CIWMB~~ *board*
26 design the program to help satisfy the waste diversion requirements
27 of the ~~Integrated Waste Management Act of 1989~~ *this division* in
28 a manner that minimizes costs and maximizes benefits for
29 California's economy, improves the end-of-life management of
30 products, and maximizes additional environmental and economic
31 benefits for California.

32 (4) It is the intent of the Legislature, recognizing local
33 government land use authority, to encourage the development of
34 the additional materials processing capacity that is needed to meet
35 state objectives for decreasing solid waste disposal by identifying
36 incentives for local governments and businesses to locate and
37 approve new or expanded facilities that meet and exceed their
38 capacity needs, and to recognize those entities that make significant
39 contributions to the state's overall solid waste reduction and

1 recycling objectives through the siting of facilities for the
2 processing of materials diverted from the solid waste stream.

3
4 Article 3. Definitions

5
6 48800.2. For purposes of this chapter, and unless the context
7 otherwise requires, the definitions in this article govern the
8 construction of this chapter.

9 ~~48800.3. “Board” means the California Integrated Waste~~
10 ~~Management Board.~~

11 48800.4. “Brand” means a name, symbol, word, or mark that
12 identifies a product, rather than its components, and attributes the
13 product to the owner or licensee of the brand as the producer.

14 48800.5. “Capture rate” is a component of the performance
15 goals for a covered product and means a quantitative measure that
16 establishes an amount of product to be collected by the product
17 stewardship system for that product by an established date.

18 48800.6. “Covered product” means a consumer product used
19 or disposed of in this state that has been selected by the board
20 pursuant to Section 48813.

21 48800.7. “Cradle-to-cradle design” means an ideal condition
22 where the product is developed for closed-loop systems in which
23 every ingredient is safe and beneficial.

24 48800.8. “Department” means the Department of Toxic
25 Substances Control.

26 48800.9. “Disposition rate” is a component of the performance
27 goals for a covered product and means a quantitative measure that
28 establishes the amounts of unwanted product that are reused,
29 recycled, or recovered, including energy recovery or safe disposal.

30 48800.10. “Extended producer responsibility” means the
31 extension of the shared responsibility of producers, and all entities
32 involved in the product chain, to reduce the cradle-to-cradle
33 impacts of a product and its packaging, with the primary
34 responsibility being with the producer who makes design and
35 marketing decisions.

36 48800.11. “Historic product” means a covered product ready
37 to be discarded by the user that is not a new product or product
38 currently marketed or sold by the manufacturer.

39 48800.12. “Orphan product” means any one of the following:

- 40 (a) A covered product that lacks a manufacturer’s brand.

1 (b) A covered product for which the manufacturer is no longer
2 in business and has no successor in interest.

3 (c) A covered product that is a brand for which the board cannot
4 identify an owner.

5 48800.13. "Performance goal" means product goals, capture
6 rates, and disposition rates established by the board for covered
7 products.

8 48800.14. "Producer" means one of the following:

9 (a) A person or entity that manufactures a covered product that
10 sells, offers for sale, or distributes that covered product in
11 California under the manufacturer's own name or brand.

12 (b) If subdivision (a) does not apply, a person who is not the
13 manufacturer of the product but is the owner or licensee of a
14 trademark or brand under which a product is sold or distributed in
15 California, whether or not the trademark is registered.

16 (c) If subdivisions (a) and (b) do not apply, a person who imports
17 the product into California for sale or distribution.

18 48800.15. "Product goal" is a component of the performance
19 goals for a covered product and means a qualitative or quantitative
20 goal to measure improvements that reduce the life cycle impacts
21 of products. It shall include product design and materials content,
22 manufacturing, packaging, distribution, and end-of-life
23 management. It shall address use of virgin material, water, energy,
24 and hazardous substances, as well as carbon footprint, product
25 longevity, recycled content, and recyclability.

26 48800.16. "Product stewardship organization" means all of the
27 following:

28 (a) An organization appointed by a producer or producers to act
29 as an agent on behalf of the producer or producers to design,
30 submit, and administer a product stewardship plan.

31 (b) The organization shall be open for participation by all
32 producers of a covered product.

33 48800.17. "Product stewardship plan" means a plan written
34 by an individual producer or a stewardship organization, on behalf
35 of a producer, that addresses the environmental impacts of a
36 covered product over the entire life cycle of that product, including
37 product design, manufacture, and distribution, and the collection,
38 transportation, reuse, recycling, and final disposition of discarded
39 covered products as provided in this chapter.

1 48800.18. "Reporting period" means the period commencing
2 January 1 and ending on December 31 of the same calendar year.

3 48800.19. "Retailer" means a person that offers new products
4 for sale at retail through any means, including remote offerings
5 such as sales outlets, catalogs, or an Internet Web site.

6 48800.20. "Secondary material" means material that is being
7 reused or recycled that would otherwise be disposed of in a landfill.

8 48800.21. "Sell" or "sales" means any transfer of title for
9 consideration, including remote sales conducted through sales
10 outlets, catalogs, or an Internet Web site or similar electronic
11 means, but does not include leases.

12
13 Article 4. Extended Producer Responsibility Framework
14 Program
15

16 48810. (a) (1) The Extended Producer Responsibility
17 Framework Program is hereby created.

18 (2) The program shall be administered by the board.

19 (3) The program shall provide environmentally sound product
20 stewardship protocols that encourage producers to research
21 alternatives during the product design and packaging phases to
22 foster cradle-to-cradle producer responsibility and reduce the
23 end-of-life environmental impacts.

24 (b) For purposes of this chapter, the board shall review existing
25 and proposed international, federal, and state extended producer
26 responsibility programs and make reasonable efforts to promote
27 consistency among the programs established pursuant to this part
28 and those other programs.

29 (c) To ensure the goals of this article are achieved successfully
30 and efficiently, the board shall collaborate with representatives of
31 state and local government, producers, retailers, consumers,
32 transporters, haulers, recyclers, nonprofit organizations, and other
33 interested stakeholders with respect to all regulations adopted
34 pursuant to this article and shall consider the net economic impacts
35 and benefits of a product stewardship plan prior to its approval.

36 (d) (1) By July 1, 2011, the board, following one or more
37 noticed public workshops and in consultation with the State Air
38 Resources Board, the Department of Conservation, the State
39 Department of Public Health, the Department of Toxic Substances
40 Control, the State Water Resources Control Board, and other

1 appropriate state agencies, shall adopt regulations to implement
2 this chapter.

3 (2) The board shall also consult with other state and local
4 environmental regulatory agencies, as well as representatives of
5 local government, producers, retailers, consumers, transporters,
6 haulers, recyclers, nonprofit organizations, and other interested
7 stakeholders in adopting the regulations.

8 (e) The board, in addition to any other regulations necessary to
9 implement this chapter, shall do all of the following:

10 (1) Establish definitions.

11 (2) Establish a process for selecting covered products and
12 determining performance goals.

13 (3) Establish a process for product stewardship plan
14 development, review, and submittal.

15 (4) Establish a process for providing data and reporting to the
16 board.

17 (5) (A) Prepare recommendations, in consultation with local
18 government and the business community, for immediate incentives
19 for producers that stimulate waste reduction, pollution prevention,
20 energy efficiency, and increased secondary use of recycled and
21 reused materials that would otherwise be disposed of.

22 (B) The incentives specified in subparagraph (A) may include,
23 but are not limited to, an expedited approach to state-issued permits
24 needed to implement product stewardship programs, recognizing
25 local government land use authority, investments in more market
26 development, cost-effective energy savings and reducing water
27 usage, tax incentives for utilizing renewable resources, loans from
28 the Recycling Market Development Revolving Loan Program
29 pursuant to Section 42023.1 to qualifying product stewardship
30 organizations for startup of stewardship programs, and further
31 incentives for designing products and processing facilities from
32 recycled and reused materials that would otherwise be disposed
33 of.

34 (C) Nothing in this section shall be construed to interfere with
35 a local government's sole authority over local ~~land-use~~ *land use*
36 decisions.

37 (6) Prepare recommendations for long-term incentives to foster
38 environmental product design to reduce waste and use of hazardous
39 materials, to reward businesses for superior environmental
40 performance that results in significant solid or hazardous waste

1 reduction or increased use of secondary materials, and for
2 investments that support longer term change to material markets
3 and market development.

4 (7) Prepare recommendations for funding incentives, by
5 consulting with product stewardship stakeholders to determine
6 how to fund additional cradle-to-cradle stewardship initiatives and
7 disincentives for solid waste disposal as a viable option.

8 (8) Establish penalties for violations of this chapter.

9 (9) Develop guidelines designed to ensure that activities
10 undertaken pursuant to this chapter do not ~~interfere~~ *overlap*,
11 *duplicate*, or *conflict* with the following:

12 (A) Efforts by the department undertaken pursuant to Article
13 14 (commencing with Section 25251) of Chapter 6.5 of Division
14 20 of the Health and Safety Code.

15 (B) The State Energy Resources Conservation and Development
16 Commission's energy efficiency programs.

17 (C) The State Air Resources Board climate change efforts to
18 achieve and maintain state and federal ambient air quality standards
19 and reduce greenhouse gas emissions.

20 (D) The State Water Resources Control Board efforts for water
21 quality protection.

22 (E) The Ocean Protection Council's ocean litter reduction
23 efforts.

24 (F) The Beverage Container Recycling and Litter Reduction
25 Act (Division 12.1 (commencing with Section 14500)).

26 (G) The Rigid Plastic Packaging Containers Program pursuant
27 to Chapter 5.5 (commencing with Section 42300) of Part 3.

28 (H) *Any other state product stewardship or life cycle law or*
29 *regulatory program for a product.*

30 48811. (a) Nothing in this chapter or any regulation adopted
31 or actions taken by the board pursuant to this chapter shall be
32 interpreted to limit, abrogate, supersede, duplicate, or otherwise
33 conflict with federal law, federal policy, or federal treaty
34 obligations.

35 (b) Nothing in this chapter or any regulation adopted or actions
36 taken by the board pursuant to this chapter shall be interpreted to
37 limit, supersede, duplicate, or otherwise conflict with the authority
38 of the department under Section 25257.1 of the Health and Safety
39 Code to fully implement Article 14 (commencing with Section
40 25251) of Chapter 6.5 of Division 20 of the Health and Safety

1 Code, including the authority of the department to include products
2 in its product registry.

3 48812. As a part of the board's annual report to the Legislature
4 pursuant to Section 40507, the board shall include a section on the
5 progress and implementation of the Extended Producer
6 Responsibility Framework Program.

7 48813. On and after January 1, 2012, the board, in consultation
8 with all appropriate state agencies and local governments, and
9 after one or more noticed public workshops with an opportunity
10 for all interested parties to comment, shall select covered products
11 according to the following requirements:

12 (a) The board shall only select covered products that have been
13 identified with environmental, waste management, and health
14 impacts resulting from the manufacture, transport, use, and
15 disposal, that meet one or more of the following criteria:

16 (1) Those products that pose a significant threat to public health
17 and safety when discarded.

18 (2) Products that pose a threat of increased greenhouse gas
19 emissions.

20 (3) Products that impose significant end-of-life management
21 costs on state or local government.

22 (b) The factors the board shall consider in selecting covered
23 products pursuant to subdivision (a) shall include, but are not
24 limited to, the following:

25 (1) Current impacts to local government and general ratepayers.

26 (2) Public health, toxicity, and significant environmental and
27 safety impacts and benefits.

28 (3) Resource recovery and material conservation potential,
29 including the potential for product redesign to achieve greater
30 waste reduction, toxicity reduction, water consumption reduction,
31 increase in recycled content, and greater capability for being
32 recycled.

33 (4) Energy use and conservation potential.

34 (5) Climate change impacts and benefits.

35 (6) Existing infrastructure capacity for material management
36 and potential for expansion.

37 (7) Success in collecting and processing similar products in
38 other programs in the United States and other countries.

39 (8) The selection of products in extended producer responsibility
40 programs in other states.

1 (9) Ocean pollution impacts.

2 (10) Stormwater runoff impacts.

3 (11) The lack of an existing product stewardship or other
4 regulatory system for the product.

5 (12) Life cycle net environmental impacts.

6 (13) Public safety and public health uses of products.

7 (c) The board may select covered products and set performance
8 goals over time at regularly scheduled board meetings. All products
9 banned from landfill disposal in California shall be designated
10 within one year of adoption of the regulations pursuant to Section
11 48810, and shall be managed under a product stewardship program.

12 (d) Through the product selection process, the board shall do
13 the following:

14 (1) Identify and notify potential interested parties for a proposed
15 covered product.

16 (2) Select and define a covered product or covered products.
17 This shall include historic and orphan products in addition to new
18 products.

19 (3) Determine whether the packaging for a covered product
20 shall be considered part of the covered product.

21 (4) Establish any implementation dates for requirements for
22 covered products.

23 (5) Identify unique environmental impacts or management
24 requirements, if any, for a covered product.

25 (6) Set performance goals and timeframes for the covered
26 product.

27 (7) Establish measurement metrics and reporting protocols for
28 the covered product.

29 (e) The selection process for covered products described in this
30 section shall not be subject to the requirements of Chapter 3.5
31 (commencing with Section 11340) of Part 1 of Division 3 of Title
32 2 of the Government Code. However, selected covered products
33 and associated performance goals shall be submitted to the Office
34 of Administrative Law for filing and printing with the Secretary
35 of State.

36 48814. (a) On and after July 1, 2012, a covered product shall
37 not be offered for sale or used for promotional purposes in this
38 state unless the producer or product stewardship organization of
39 the covered product submits a product stewardship plan in

1 accordance with this chapter and the regulations adopted pursuant
2 to subdivision (c) of Section 48810.

3 (b) A producer shall do all of the following:

4 (1) (A) Submit a product stewardship plan or participate in a
5 stewardship organization.

6 (B) The producer, however, shall maintain responsibility for
7 compliance with this chapter.

8 (2) (A) Collect the individual covered product pursuant to a
9 product stewardship plan to be reused or recycled, unless the board
10 determines that the covered product is not reusable or recyclable.

11 (B) Covered products that have been determined by the board
12 not to be recyclable nor reusable shall be disposed of or managed
13 in properly permitted facilities appropriate for the covered product,
14 including disposal or management of all hazardous products,
15 components, or materials in properly permitted hazardous waste
16 facilities appropriate for the product, component, or material.

17 (3) Provide for collection services without charging a fee at the
18 time that covered products are discarded and collected for recycling
19 or disposal.

20 (4) Pay all the administrative and operational costs associated
21 with the product stewardship plan, including the costs of collection,
22 transportation, and recycling or disposal, or both, of covered
23 products, including the costs of local government.

24 44815. (a) The producer or product stewardship organization
25 of a covered product shall submit a product stewardship plan to
26 the board.

27 (b) Each product stewardship plan for a covered individual
28 product shall include, at a minimum, all of the following:

29 (1) Contact information for all participating producers.

30 (2) A description of the product and associated brand covered
31 by the plan.

32 (3) A detailed description of how the performance goals set by
33 the board will be achieved.

34 (4) A description of methods proposed to be used to maximize
35 the recycling of packaging that is delivered into the program along
36 with the discarded covered product.

37 (5) A description of the collection system for collecting the
38 discarded covered product, including, but not limited to, the
39 following:

1 (A) How the discarded covered product will be collected in all
2 cities, cities and counties, and counties of the state.

3 (B) The entities that will perform collection services.

4 (C) How the collection system is available, convenient,
5 accessible, and free of charge statewide.

6 (D) Locations, hours, and days of operation for collection
7 locations.

8 (6) A description of the processing and disposal system,
9 including the following:

10 (A) How the discarded covered product will be reused and
11 recycled.

12 (B) If the covered product is not reusable nor recyclable, how
13 the covered product will be disposed of or managed in properly
14 permitted facilities appropriate to the covered product, including
15 the disposal or management of hazardous substances.

16 (C) The location and permit status of processing or disposal
17 facilities.

18 (D) Processing methods utilized at each facility and how
19 residuals will be handled.

20 (7) How the product stewardship plan will be financed, including
21 the following:

22 (A) The mechanism for securing and dispersing funds to cover
23 administrative, operational, and capital costs, including the
24 assessment of charges to producers who participate through a
25 stewardship organization.

26 (B) Adequate insurance and financial assurance for collection,
27 handling, and disposal operations.

28 (8) Strategies for managing and reducing the life cycle impacts
29 of covered products and packaging, including through redesign
30 and how impacts will be tracked over time to show continual
31 improvement.

32 (9) Education and outreach activities, including the following:

33 (A) Providing information to the general public on how to use
34 the collection system for a covered product.

35 (B) Providing information regarding the collection system to
36 collectors, including local governments if they are envisioned to
37 be part of the collection system, retailers, and other interested
38 parties.

1 (10) The consultation process used to consult with affected
2 stakeholders and the general public about the contents of the
3 product stewardship plan.

4 (c) Producers shall submit their product stewardship plan, or
5 updates to the product stewardship plan, to the board within 180
6 days following the selection of a covered product or 180 days prior
7 to the sale of a new covered product.

8 (d) Product stewardship plans shall be revised and submitted to
9 the board every four years.

10 (e) All product stewardship plans submitted to the board shall
11 be available to the public on the board's Internet Web site.

12 (f) A producer shall notify the board 30 days in advance of
13 instituting a material change to a product stewardship plan.

14
15 Article 5. Reporting
16

17 48820. (a) Beginning June 30, 2012, and every subsequent
18 year thereafter, each producer or stewardship organization
19 operating a product stewardship plan shall prepare and submit to
20 the board an annual report describing the activities of the product
21 stewardship program during the previous reporting period,
22 including, but not limited to, the following:

23 (1) How the product stewardship plan attained the performance
24 goals for the covered product, and if the performance goals were
25 not met, what actions the producer or stewardship organization
26 will take during the next reporting period to do so.

27 (2) A description of the outreach and education activities
28 undertaken during the reporting period.

29 (3) The actions undertaken to manage and reduce the life cycle
30 impacts of the covered products and packaging, from product
31 design to end-of-life management, including how the formulation,
32 packaging, and distribution of products have been improved to
33 reduce waste, reduce toxicity, reduce carbon footprint, reduce other
34 environmental impacts, increase recycled content, increase product
35 longevity, and make covered products more easily recyclable.

36 (b) All reports submitted to the board are required to be
37 approved by the board members at a monthly committee or board
38 hearing no later than 90 days after submittal.

39 (c) All reports submitted to the board shall be made available
40 to the public on the board's Internet Web site.

Article 6. Financial Provisions

44825. (a) All producers shall submit an administrative fee to the board, according to a fee schedule established by the board.

(b) The total amount of annual fees collected pursuant to this section shall not exceed the amount necessary to recover costs incurred by the board in connection with the administration and enforcement of the requirements of this chapter.

48826. (a) The Extended Producer Responsibility Account and the Extended Producer Responsibility Penalty Subaccount are hereby established in the Integrated Waste Management Fund.

(b) All fees collected pursuant to this chapter shall be deposited in the Extended Producer Responsibility Account and may be expended by the board, upon appropriation by the Legislature, to cover the board's costs to implement this chapter.

(c) All penalties collected pursuant to this chapter shall be deposited in the Extended Producer Responsibility Penalty Subaccount and may be expended by the board, upon appropriation by the Legislature, to cover the board's costs to implement this chapter.

(d) All funds collected may be expended as incentives to enhance recyclability and redesign efforts and to reduce environmental and safety impacts of covered products.

Article 7. Enforcement

48830. (a) Civil liability in an amount of up to fifty thousand dollars (\$50,000) may be administratively imposed by the board against a producer for any violation of this chapter. The board shall deposit all penalties in the Extended Producer Responsibility Penalty Subaccount.

(b) The board shall adopt regulations that specify the procedures and amounts for the imposition of administrative civil penalties pursuant to this subdivision.

48831. The board, or its designee, is authorized to inspect, audit, or require and review third-party audits of producers, product stewardship organizations, and service providers including

- 1 collectors and recyclers that are utilized to fulfill the requirements
- 2 of a product stewardship plan.

O